

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2017**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2017

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October 1, 2015

Dear Governor Nixon,

Enclosed is the 35th annual budget request of the Missouri State Public Defender System (MSPD). The sole mission of MSPD is to fulfill government's obligation to make sure that poor Missourians who are charged with a criminal offense receive competent legal representation. This mission cannot be accomplished with current resources and, as a result, the state is regularly violating the rights of poor persons. This reality was most recently pointed out by the Civil Rights Division of the U.S. Department of Justice in its report on juvenile representation in St. Louis County.

To objectively present our existing resource needs to the state, MSPD became the first public defender system in the country to require its attorneys to track their time in five-minute increments. This data was compiled and used by RubinBrown, a nationally recognized accounting firm, to assess how much time MSPD attorneys were actually spending on a particular task in a particular case compared to how much time should be spent on such tasks. Across the board, RubinBrown's objective analysis revealed that for every single task, in every single case type, MSPD was not spending the appropriate resources it needed to provide competent counsel. Using RubinBrown's standards, the conclusion is that MSPD needs 269 additional attorneys and 90

support staff to address its current caseload. This budget request mirrors that finding. In addition, this proposal seeks funding so that all conflict cases (where there are two or more defendants with opposing interests) are contracted out to private counsel so that attorneys can leverage existing economies of scale that come with being assigned to a single court in a single circuit. Lastly, this request seeks funding to improve MSPD's cybersecurity and electronic capabilities so that, among other things, the download of a single video from a police body camera does not freeze the entire system.

While there are seemingly countless entities seeking public dollars each budget cycle, it is important to recognize that providing competent defense counsel to indigents is a constitutional obligation of the state. We look forward to working with you through the coming budget session to address both of these worthwhile goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Barrett", is written over the printed name.

Michael Barrett
Director, Missouri State Public Defender

State Public Defender Table of Contents

Program Description Summary	1
Decision Item Summary – Legal Services	13
Legal Services Core Request	15
Decision Items	
Constitutionally Mandated Representation	21
Comprehensive Compensation Structure	37
Juvenile Advocacy Offices	45
Information Technology—Keeping Up	53
Federal & Other – Core Request	59
Legal Defense and Defender Fund – Core Request.....	65
Homicide/Conflict Cases & Litigation Expenses –Core Request	71
Debt Offset Escrow Fund – Core Request	77
Fiscal Year 2016—Supplemental Funding Request	
Constitutionally Mandated Representation	81

PROGRAM DESCRIPTION

Department: Office of the State Public Defender	HB Section(s): HB 12.400
Program Name: Public Defender	
<p>1. What does this program do?</p> <p>The Sixth Amendment to the United States Constitution provides that, <i>"In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence."</i> If an individual cannot afford to hire an attorney, the state must provide one for him in order for the prosecution to proceed. The Missouri State Public Defender System was created to meet this obligation of the State of Missouri. Its lawyers provide criminal defense representation to indigent defendants in all of Missouri's criminal trial and appellate courts, as well as in a variety of quasi-criminal matters which carry a right to counsel, such as juvenile delinquency cases, sexually violent predator commitment cases, petitions for release from the Department of Mental Health, probation revocations and post-conviction motions to vacate criminal convictions.</p> <p>2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)</p> <p>Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions:</p> <p><i>In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.</i> <i>Amend VI, U.S. Constitution</i></p> <p><i>In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .</i> <i>That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.</i> <i>Article I, Section 18(a), Missouri Constitution.</i></p> <p>3. Are there federal matching requirements? If yes, please explain.</p> <p>No</p>	

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

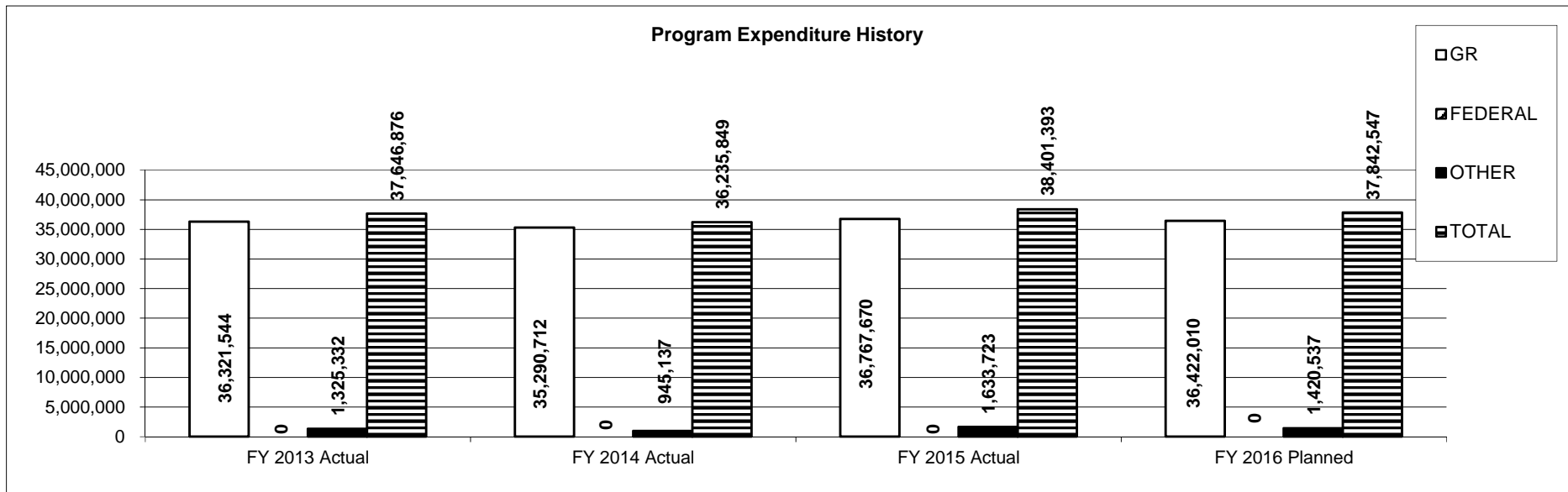
Program Name: Public Defender

4. Is this a federally mandated program? If yes, please explain.

Yes. The provision of counsel to indigent defendants facing prosecution and the potential loss of their liberty is federally mandated under the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.” Amend VI, U.S. Constitution Bill of Rights

5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.



6. What are the sources of the "Other " funds?

Legal Defense and Defender Fund - Collections from Clients

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

7a. Provide an effectiveness measure.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. See, *ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation*, May 13, 2006.

PROGRAM DESCRIPTION

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HB Section(s): HB 12.400

Program Name: Public Defender

Over the last ten years, the issue of Missouri Public Defender's workload has been the subject of five different studies: one by a Missouri Bar Task Force, two by *The Spangenberg Group*, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled *The Missouri Project*. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.

The most recent ABA study, conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation).

When these case weights are applied to MSPD's caseload, the number of staff MSPD would need to meet its existing caseload is 269.50 additional attorneys (see case weight metrics below). 258 attorneys are requested in the Constitutionally Mandated Representation decision item. 11.50 attorneys are requested in the Juvenile Advocacy decision item. This proposal further seeks funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.

ABA/RubinBrown Workload Study	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

PROGRAM DESCRIPTION

Department: Office of the State Public Defender	HB Section(s): HB 12.400
Program Name: Public Defender	

The budget request also includes the addition of:

Two Youth Advocacy Units, one in Kansas City and one in St. Louis, to specialize in the representation of juveniles (11.50 attorneys);
A comprehensive compensation structure for Attorney staff; and
Funding for improvements to MSPD's Information Technology systems, including increasing the size of MSPD's internet, intranet pipes (WAN), improving mobility, and providing better cybersecurity.

Each of these constitutes a measured, but significant step forward on the road toward fulfilling the state's constitutionally mandated obligations.

7b. Provide an efficiency measure.

The Missouri State Public Defender System's 369.50 Trial and Appellate lawyers opened 69,726 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state's taxpayers of just \$373.43 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.

Every Missouri Public Defender attorney, investigator and mitigation specialist now tracks their time in five-minute increments by task and case type so that it can be seen exactly what is – and what is NOT – getting done on the cases assigned to MSPD.

PROGRAM DESCRIPTION

Department: Office of the State Public Defender	HB Section(s): HB 12.400
Program Name: Public Defender	
7c. Provide the number of clients/individuals served, if applicable	
<p>In FY2015, MSPD provided representation in 73,598 new cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.</p> <p>The table on the following page shows a drop in new misdemeanors and probation violation cases for FY13, FY14 and FY15 from previous years. This is the direct result of judicial attempts to address public defender case overload. In several areas around the state, defendants facing only misdemeanor charges are diverted from or wait-listed for public defender services. Some courts wind up appointing private counsel to take on those cases without pay. Others withhold appointment of counsel until it is clear that the defendant either seeks a trial or the prosecutor is seeking jail time. As a result, some of those defendants wind up pleading guilty and being placed on probation for charges that carry a multitude of collateral consequences, including the risk of jail time if their probation is ever revoked, without ever having consulted with counsel. At this point, no one is tracking the number of cases diverted from the public defender system or to which private counsel is appointed to relieve public defender overload, so those numbers are not reflected in this budget request.</p>	

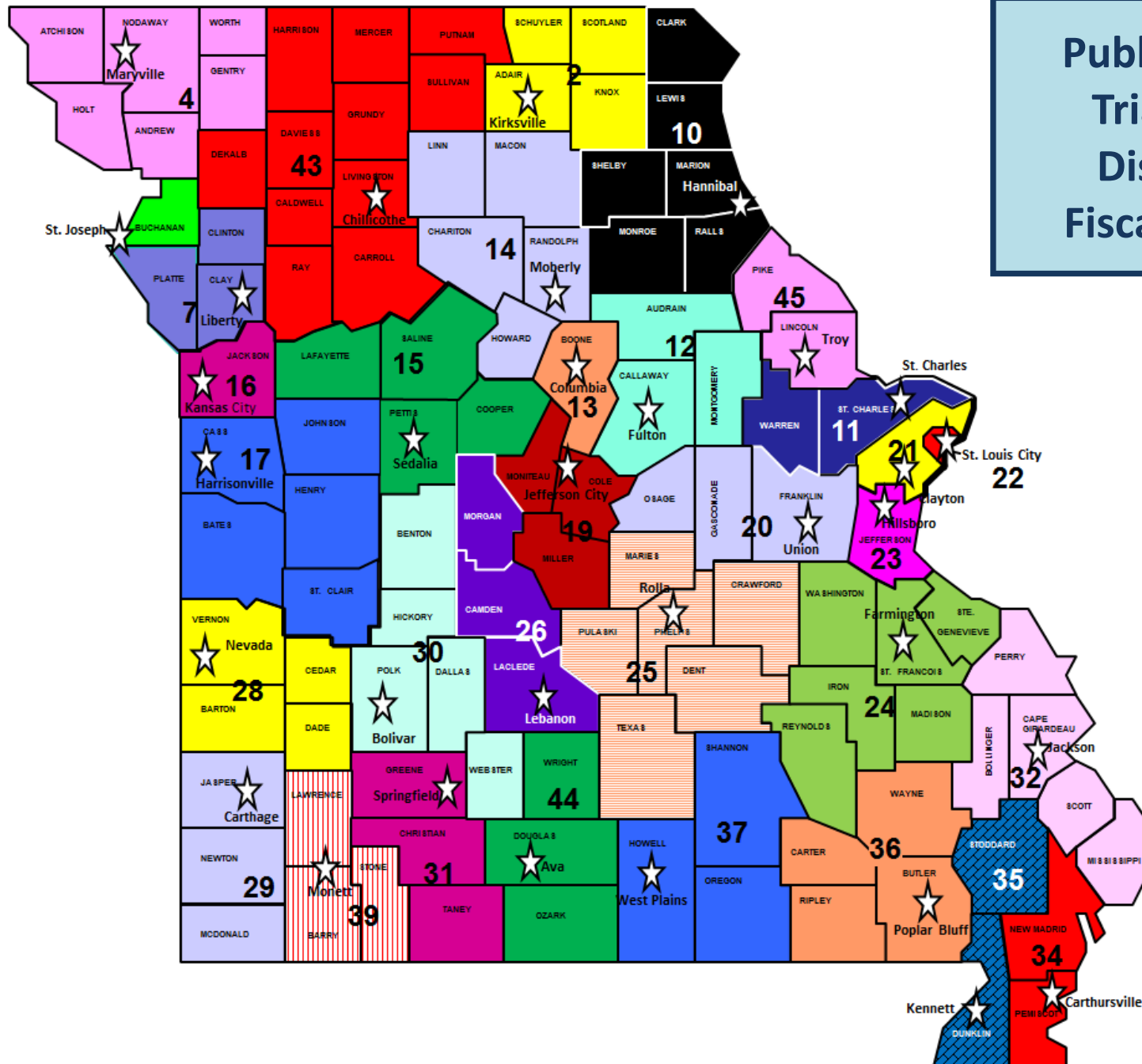
Missouri State Public Defender System

Cases Assigned by Case Type

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed
FY15	167	148	37,879	38,194	14,853	1,831	916	174	16,831	799	73,598	71,464
FY14	129	138	38,554	38,821	15,228	1,830	939	166	17,460	752	75,196	72,197
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730

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Public Defender Trial Division District Map Fiscal Year 2015



State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit			FY 2017	FY 2017	*****	*****		
Decision Item	Rank		DEPT REQ	DEPT REQ	SECURED	SECURED	CUMULATIVE TOTAL	
Fund			DOLLAR	FTE	COLUMN	COLUMN	DOLLARS	FTE
OFFICE OF THE DIRECTOR								
CORE	001							
GENERAL REVENUE			32,700,939	585.13	0	0.00	0	0.00
TOTAL			32,700,939	585.13	0	0.00		
GRANTS								
CORE	001							
PUBLIC DEFENDER-FEDERAL & OTHR			125,000	0.00	0	0.00	0	0.00
TOTAL			125,000	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND								
CORE	001							
LEGAL DEFENSE AND DEFENDER			2,983,293	2.00	0	0.00	0	0.00
TOTAL			2,983,293	2.00	0	0.00		
EXTRAORDINARY EXPENSE/CONFLICT								
CORE	001							
GENERAL REVENUE			3,721,071	0.00	0	0.00	0	0.00
TOTAL			3,721,071	0.00	0	0.00		
DEBT OFFSET ESCROW FUND								
CORE	001							
DEBT OFFSET ESCROW			1,200,000	0.00	0	0.00	0	0.00
TOTAL			1,200,000	0.00	0	0.00		
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Representation - 1151001	005							
GENERAL REVENUE			23,133,944	344.00	0	0.00	0	0.00
TOTAL			23,133,944	344.00	0	0.00		
Comprehensive Compensation Structure- 1151002	005							
GENERAL REVENUE			1,101,929	0.00	0	0.00	0	0.00
TOTAL			1,101,929	0.00	0	0.00		
Juvenile Advocacy - 1151003	005							
GENERAL REVENUE			1,070,817	19.50	0	0.00	0	0.00
TOTAL			1,070,817	19.50	0	0.00		

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit		FY 2017	FY 2017	*****	*****		
Decision Item	Rank	DEPT REQ	DEPT REQ	SECURED	SECURED	CUMULATIVE TOTAL	
Fund		DOLLAR	FTE	COLUMN	COLUMN	DOLLARS	FTE
OFFICE OF THE DIRECTOR							
Cyber Security, Mobility WAN - 1151004	005						
GENERAL REVENUE		461,260	0.00	0	0.00	0	0.00
TOTAL		461,260	0.00	0	0.00		
GRAND TOTAL		\$66,498,253	950.63	\$0	0.00		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	27,850,097	580.62	28,778,492	585.13	28,778,492	585.13	0	0.00
TOTAL - PS	27,850,097	580.62	28,778,492	585.13	28,778,492	585.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	5,196,504	0.00	3,922,447	0.00	3,922,447	0.00	0	0.00
TOTAL - EE	5,196,504	0.00	3,922,447	0.00	3,922,447	0.00	0	0.00
TOTAL	33,046,601	580.62	32,700,939	585.13	32,700,939	585.13	0	0.00
Constitutionally Mandated Representation - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	16,159,056	344.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	16,159,056	344.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	6,974,888	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	6,974,888	0.00	0	0.00
TOTAL	0	0.00	0	0.00	23,133,944	344.00	0	0.00
Comprehensive Compensation Structure - 1151002								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	1,101,929	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	1,101,929	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,101,929	0.00	0	0.00
Juvenile Advocacy - 1151003								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	896,832	19.50	0	0.00
TOTAL - PS	0	0.00	0	0.00	896,832	19.50	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	173,985	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	173,985	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,070,817	19.50	0	0.00

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Cyber Security, Mobility WAN - 1151004								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	461,260	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	461,260	0.00	0	0.00
TOTAL	0	0.00	0	0.00	461,260	0.00	0	0.00
GRAND TOTAL	\$33,046,601	580.62	\$32,700,939	585.13	\$58,468,889	948.63	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Legal Services		
Core:	Legal Services	HB Section	HB 12.400

1. CORE FINANCIAL SUMMARY

	FY 2017 Budget Request			
	GR	Federal	Other	Total
PS	28,778,492	0	0	28,778,492
EE	3,922,447	0	0	3,922,447
PSD	0	0	0	0
TRF	0	0	0	0
Total	32,700,939	0	0	32,700,939

FTE **585.13** **0.00** **0.00** **585.13**

Est. Fringe	13,767,416	0	0	13,767,416
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2017 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE **0.00** **0.00** **0.00** **0.00**

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate, and supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor.

This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff.

3. PROGRAM LISTING (list programs included in this core funding)

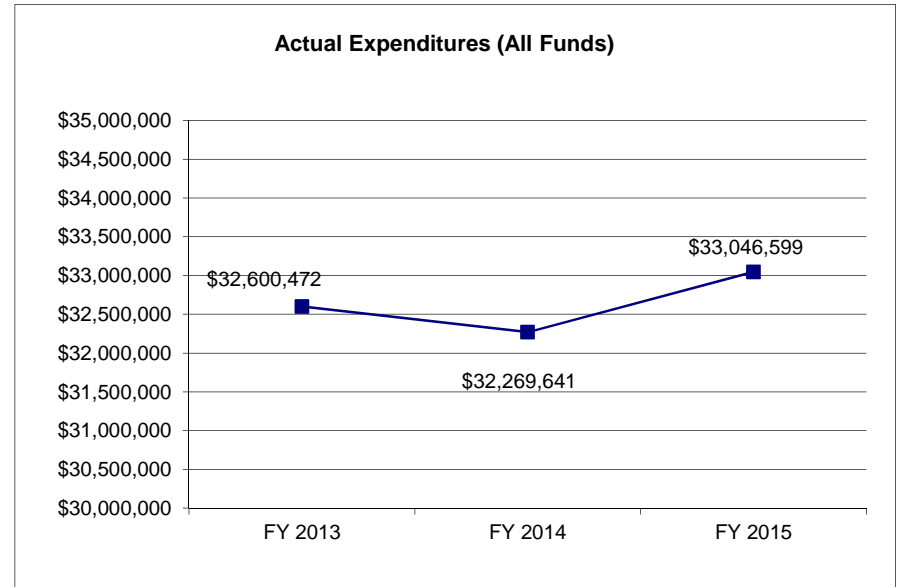
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Legal Services		
Core:	Legal Services	HB Section	HB 12.400

4. FINANCIAL HISTORY

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Current Yr.
Appropriation (All Funds)	\$32,600,474	\$32,269,722	\$36,018,838	\$32,700,939
Less Reverted (All Funds)	\$0	\$0	-\$2,972,238	\$0
Less Restricted (All Funds)	\$0	\$0	\$0	\$0
Budget Authority (All Funds)	\$32,600,474	\$32,269,722	\$33,046,600	\$32,700,939
Actual Expenditures (All Funds)	\$32,600,472	\$32,269,641	\$33,046,599	\$32,700,939
Unexpended (All Funds)	\$2	\$81	\$1	\$0
Unexpended, by Fund:				
General Revenue	\$2	\$81	\$1	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES: On June 30, 2015, after the close of the Accounting Fiscal Year, Governor Nixon "released" the \$2,972,238 that had been withheld.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	20,271	0.87	0	0.00	0	0.00	0	0.00
SECRETARY	3,264,196	121.58	3,276,043	119.50	3,354,371	122.50	0	0.00
COMPUTER INFO. SPECIALIST	301,250	5.61	350,925	6.25	335,199	6.25	0	0.00
INVESTIGATOR	1,960,906	55.25	2,099,264	60.38	2,035,318	57.38	0	0.00
PARALEGAL	230,904	6.36	239,569	6.50	232,979	6.50	0	0.00
MITIGATION SPECIALIST	308,665	7.70	287,576	7.00	318,399	7.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,591,100	326.90	18,009,642	326.50	17,995,131	326.50	0	0.00
DISTRICT DEFENDER	2,839,079	39.06	3,193,270	43.00	3,185,829	43.00	0	0.00
DIVISION DIRECTOR	643,313	6.18	649,181	5.00	510,356	5.00	0	0.00
PROGRAM TECHNICIAN	148,825	4.19	240,893	6.00	138,631	4.00	0	0.00
PROGRAM MANAGER	382,177	5.82	286,097	4.00	526,936	6.00	0	0.00
DIRECTOR	159,411	1.10	146,032	1.00	145,343	1.00	0	0.00
TOTAL - PS	27,850,097	580.62	28,778,492	585.13	28,778,492	585.13	0	0.00
TRAVEL, IN-STATE	859,733	0.00	850,000	0.00	876,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	4,460	0.00	10,000	0.00	5,000	0.00	0	0.00
FUEL & UTILITIES	48,346	0.00	56,000	0.00	50,000	0.00	0	0.00
SUPPLIES	398,488	0.00	330,000	0.00	367,725	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	144,492	0.00	145,000	0.00	143,750	0.00	0	0.00
COMMUNICATION SERV & SUPP	376,911	0.00	425,000	0.00	418,250	0.00	0	0.00
PROFESSIONAL SERVICES	2,085,021	0.00	875,447	0.00	993,557	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	105,417	0.00	105,000	0.00	100,000	0.00	0	0.00
M&R SERVICES	197,074	0.00	225,000	0.00	102,200	0.00	0	0.00
COMPUTER EQUIPMENT	29,334	0.00	25,000	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	124,633	0.00	36,000	0.00	10,000	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	50,000	0.00	5,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	764,444	0.00	745,000	0.00	775,965	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	18,079	0.00	15,000	0.00	15,000	0.00	0	0.00

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
MISCELLANEOUS EXPENSES	40,072	0.00	30,000	0.00	35,000	0.00	0	0.00
TOTAL - EE	5,196,504	0.00	3,922,447	0.00	3,922,447	0.00	0	0.00
GRAND TOTAL	\$33,046,601	580.62	\$32,700,939	585.13	\$32,700,939	585.13	\$0	0.00
GENERAL REVENUE	\$33,046,601	580.62	\$32,700,939	585.13	\$32,700,939	585.13		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 1151000 BUDGET UNIT NAME: Office of the State Public Defender HOUSE BILL SECTION: 12.400	DEPARTMENT: Office of the State Public Defender DIVISION: Legal Services
1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.	
DEPARTMENT REQUEST	
<p>As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.</p> <p>It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.</p>	
2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.	
PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$774,057	\$850,000
BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	
\$1,000,000	
3. Please explain how flexibility was used in the prior and/or current years.	
PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$774,057 was transferred from Personal Service (0911) to E&E (0912) to cover case overload contracts, a shortage in litigation costs, general office operating costs and the one time purchase of equipment.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service could be used to meet the cost of operating the local offices or to contract out cases to the private bar as the need arises or to pay for necessary litigation expenses.

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NEW DECISION ITEM
RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - Constitutionally Mandated Representation	
DI# 1151001	House Bill <u>12.400</u>

1. AMOUNT OF REQUEST

FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	16,159,056	0	0	16,159,056	PS	0	0	0	0
EE	6,974,888	0	0	6,974,888	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	23,133,944	0	0	23,133,944	Total	0	0	0	0
FTE	344.00	0.00	0.00	344.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	<u>7,886,302</u>	<u>0</u>	<u>0</u>	<u>7,886,302</u>	Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Constitutionally Mandated Representation</u>	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. Through budget requests, the Missouri State Public Defender (MSPD) has warned that the rights of poor Missourians are being violated throughout the state because MSPD's resources are too few and the caseloads too high. These claims were confirmed for both juveniles and adults.

NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u> Division: <u>Public Defender - Legal Services</u> DI Name: <u>Caseload Relief - Constitutionally Mandated Representation</u>	Budget Unit <u>15111C</u> DI# <u>1151001</u> House Bill <u>12.400</u>
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In the Spring of 2013, the National Juvenile Defender Center (NJDC) released a report that declared Missouri’s indigent defense system to be “in crisis” after having “endured two decades of crushing caseloads and inadequate resources to provide its mandated services.” A year later, following yet another failed attempt to acquire more resources, the American Bar Association (ABA) released the results of a commissioned report using a nationally renowned accounting firm, RubinBrown, which assessed MSPD’s workload data in order to draw unbiased conclusions.

To facilitate this review, MSPD became the first public defender system in the country to require its attorneys to track time in five minute increments. Applying the Delphi methodology, a proven business-analysis model, the ABA Report, "The Missouri Project", found that MSPD did not have nearly enough resources to meet its obligations and that a significant number of additional attorneys were needed. When the case weights are applied to MSPD's caseload, the number of attorney staff MSPD would need to meet its existing caseload is 269.50. Of this need, 258 are requested in the Constitutionally Mandated Representation decision item. 11.50 attorneys are requested in the following Juvenile Advocacy decision item. This decision also includes funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which is the single most efficient way to immediately impact case overload.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

This decision item assumes that:

1. All Trial Division conflict cases are contracted out to the private bar; **(PART A)**
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that have conflicts, remain relatively flat; and
4. The increase in the number of attorneys and support staff are also funded. **(PARTB)**

NEW DECISION ITEM
RANK: 4 OF 4

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - Constitutionally Mandated Representation	DI# 1151001	House Bill 12.400

**Caseload Relief - Constitutionally Mandated Representation
Contracting All Trial Division Conflict Cases (PART A):**

Currently, when a case involves multiple defendants, there is always the risk that one will point a finger at the other. Therefore, the local defender office can only represent one co-defendant and any other co-defendants must be represented elsewhere, either by another defender office or by private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and contracted out additional co-defendants to private counsel. However, this in-house handling of trial division conflict cases is not a cost-effective approach because it pulls lawyers out of their primary jurisdictions and requires them to drive significant distances to appear in court, conduct investigations, witness interviews and depositions, visit their clients in jail, all in a distant county. It is not uncommon for each trip to take a day of the attorney's time to deal with one or two cases. Instead, economies of scale suggest it is more cost-effective and efficient to contract all trial level conflict cases to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designated to serve.

At present, MSPD uses the fee schedule on the following page for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved on a case-by-case basis. Such costs would be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all Trial Division conflict cases to private counsel would run a little over \$6.154 million. Since our Fiscal Year 2016 appropriation for this purpose is approximately \$2.278 million, contracting out all conflict cases would require an additional \$3.876 million, as shown in the tables on the following pages.

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misdemeanor	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$3,750
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$1,875
129M	Rule 29.15 Motion	\$1,000

Note: MSPD will pay additional compensation in cases resolved by:		
Trials		
Jury Trial	\$1,500 for the first day and \$750 for each additional day	
Bench Trial	\$750 per day - prorated	
Appeals		
Rule 29.15	Evidentiary Hearing	\$500
Rule 24.035	Evidentiary Hearing	\$250

FY2015 CONFLICT CASES - Trial & Appellate Division Does Not include Capital or CDU					
Case Type	Description	Conflicts Currently Handled by MSPD Sister Offices 40's, 41's & 49's	Conflicts Currently Contracted to Private Counsel 42's & 44's	Contract Rates	Cost of Contracts
15	Murder 1st Degree	21	8	\$10,000	\$290,000
20	Other Homicide	19	8	\$6,000	\$162,000
30D	AB Felony Drug	512	173	\$750	\$513,750
30F	AB Felony Other	530	143	\$1,500	\$1,009,500
30X	AB Felony Sex	52	12	\$2,000	\$128,000
35D	CD Felony Drug	1,023	195	\$750	\$913,500
35F	CD Felony Other	2,370	472	\$750	\$2,131,500
35X	CD Felony Sex	14	3	\$1,500	\$25,500
45M	Misdemeanor	966	150	\$375	\$418,500
45T	Misdemeanor - Traffic	82	12	\$375	\$35,250
50N	Juvenile - Non Violent	116	18	\$500	\$67,000
50S	Juvenile - Status	7	7	\$500	\$7,000
50V	Juvenile - Violent	57	7	\$750	\$48,000
65F	Probation Violation - Felony	570	94	\$375	\$249,000
65M	Probation Violation - Misd	150	26	\$375	\$66,000
110F	Direct Appeals - Felony	11	2	\$3,750	\$48,750
110S	Direct Appeal - Misdemeanor			\$500	\$0
124A	Rule 24.035 Appeal	1		\$500	\$500
124M	Rule 24.035 Motion	8	1	\$500	\$4,500
129A	Rule 29.15 Appeal	6		\$3,750	\$22,500
129M	Rule 29.15 Motion	22	6	\$500	\$14,000
	Totals	6,537	1,337		\$6,154,750
	Fiscal Year 2016 Contract Budget				<u>-\$2,278,012</u>
	Additional Appropriation Required to Contract Out All Conflicts				\$3,876,738
ALL TRIAL & APPELLATE CONFLICTS TO PRIVATE COUNSEL					

NEW DECISION ITEM
RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - Constitutionally Mandated Representation	
DI# 1151001	House Bill <u>12.400</u>

**Caseload Relief - Constitutionally Mandated Representation
FUNDING FOR 258 ASSISTANT PUBLIC DEFENDERS & 86 SUPPORT STAFF (PART B)**

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming that there is no increase in caseload, MSPD would still be 269.50 lawyers short of the number of attorneys needed according to the ABA report. This number is determined by applying RubinBrown’s average case weights to the number of cases for each case type assigned for Fiscal Year 2015. The number was calculated after conflicts have all been eliminated and contracted to private attorneys. Actual attorney travel time and court time were added to the RubinBrown metrics calculations, resulting in 1,287,590 attorney hours required. Assuming 2,080 available attorney hours each year—619.50 attorneys would be required to provide effective, constitutional representation. The current number of Trial and Appellate Division attorneys is 349.50, there are 11.50 attorneys requested in a separate Juvenile Advocacy decision item; leaving 258 attorneys to be requested.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer. This allows the lawyer to focus on tasks that only a lawyer can do. Therefore, MSPD is requesting 1 legal assistant for every 3 attorneys; that would mean 86 legal assistants in order to meet that ratio.

Attorneys and support staff would be allocated to the most over-worked offices based on several factors including but not limited to: the RubinBrown caseload weights, problematic counties to practice in, difficult prosecutors to negotiate with, office space available, etc. The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances the county is contracting with private attorneys to do so. A separate decision item is included in MSPD’s FY2017 Legislative Budget Request to set up juvenile advocacy offices in St. Louis Area and in Kansas City.

Some of the staffing requested in this decision item would be used to establish a Springfield Appellate/Post-Conviction office. (The caseload numbers for these appellate/pcr cases are included in the RubinBrown metrics and in the total number of attorneys needed for effective representation.) The Appellate/Post-conviction Division presents unique overload issues, which unlike Trial Division conflicts, are best addressed not through increased contracting to private counsel, but by the creation of an additional appellate/post-conviction office in Springfield, MO.

The attorneys in this division represent defendants who have already been convicted of a crime and are raising issues of error in the judicial process that led to their conviction. Post-conviction counsel must always review and raise, where appropriate, the issue of ineffective assistance of the client’s previous counsel. This means that the office that provides appellate representation for a client will always have a conflict handling that client’s post-conviction proceedings, which is why MSPD has six appellate/post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each duo of offices is able to handle conflict cases for one another, without (most) of those cases having to be shipped across the state to one of the other two appellate/post-conviction office locations.

NEW DECISION ITEM
RANK: 4 **OF** 4

Department:	Office of the State Public Defender	Budget Unit	<u>15111C</u>
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - Constitutionally Mandated Representation	DI#	1151001
		House Bill	<u>12.400</u>

However, travel is still a significant problem in this division because of the nature of post-conviction proceedings, which take place in the circuit court of conviction. This means MSPD has five offices covering post-conviction proceedings in 114 counties plus the City of St. Louis. (Only one of the offices in Columbia handles post-conviction matters, the other handles only appellate cases.) The map on the next page shows how the counties are currently divided among the existing offices. As the map indicates, the heavier concentration of cases in the two urban areas of St. Louis and Kansas City leave the attorneys in those areas unable to take on as many counties as their Central Missouri counterparts are required to cover. But even with fewer cases coming in from each of the outstate (grey) counties, MSPD's Central PCR office is carrying a caseload at 300% of its attorney capacity. Add in the amount of travel involved and it becomes an equation that is simply not sustainable.

MSPD has attempted to reduce the travel burden on these offices by contracting out "remote-county PCR's", as they are known within the system, to local private counsel, but this approach has not been successful. Post-conviction practice is unique and very technical. Very few private attorneys have any experience, much less expertise, in these types of cases. MSPD's attempts to contract these cases to private counsel have too frequently resulted in the cases having to be brought back in-system to correct significant, case-changing errors made by attorneys who are in over their heads. MSPD attempted to address this problem by offering training to private attorneys interested in taking these cases, but that, too, has proved insufficient to the task. Few accepted the opportunity and those who did, ended up taking these cases so infrequently that any benefit they may have received from the training has long since worn off by the time they get their next PCR.

Therefore, part of this decision will address the problem by adding an additional office in Springfield. Missouri's appellate courts are located in St. Louis, Kansas City, and Springfield (with the Supreme Court in Jefferson City), so the new office would be conveniently located to the appellate court, while also reducing the travel time associated with a majority of the post-conviction cases in southwest Missouri. As expected, given the fact that Springfield is Missouri's third most populated city and Joplin is not far behind, the southwest region of the state accounts for a significant number of the post-conviction cases currently overloading the Central PCR office. Creating an additional appellate/pcr office in Springfield will siphon these cases off the Columbia office, provide better service to the clients and courts in Southwest Missouri while cutting back on travel costs and freeing up time for the Columbia Central PCR attorneys to better handle the workload in the remainder of Missouri's outstate counties.

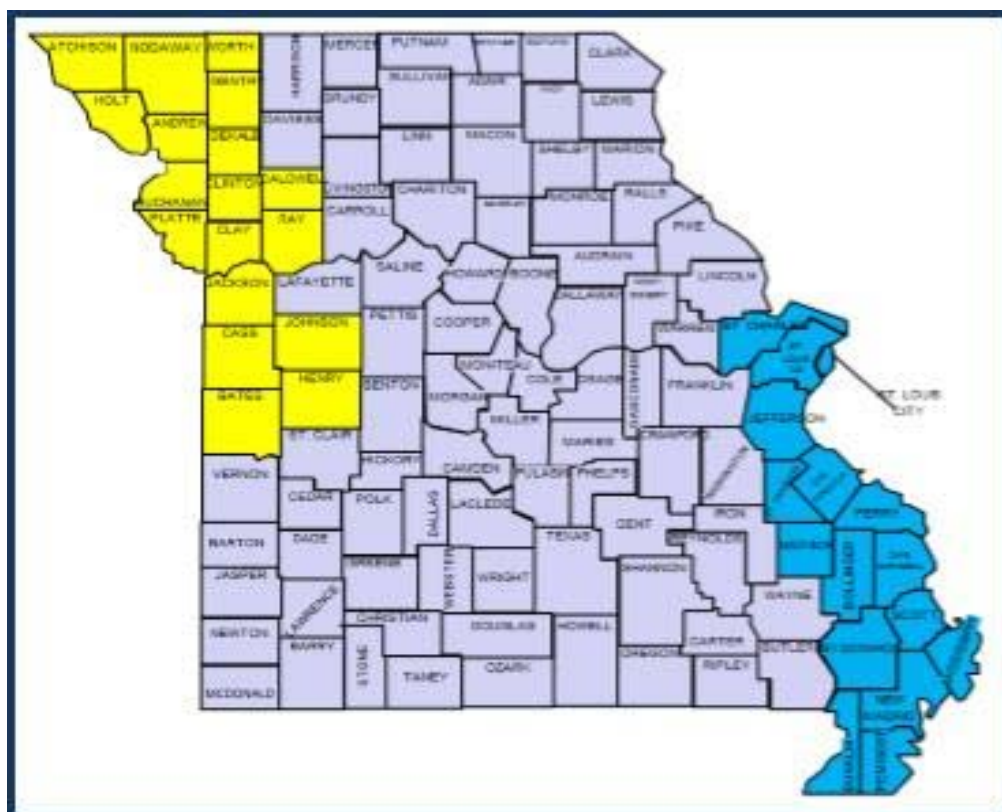
NEW DECISION ITEM

OF

4

House Bill 12.400

Current PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67

Eastern Appellate/PCR

Districts 51 & 68

Western Appellate/PCR

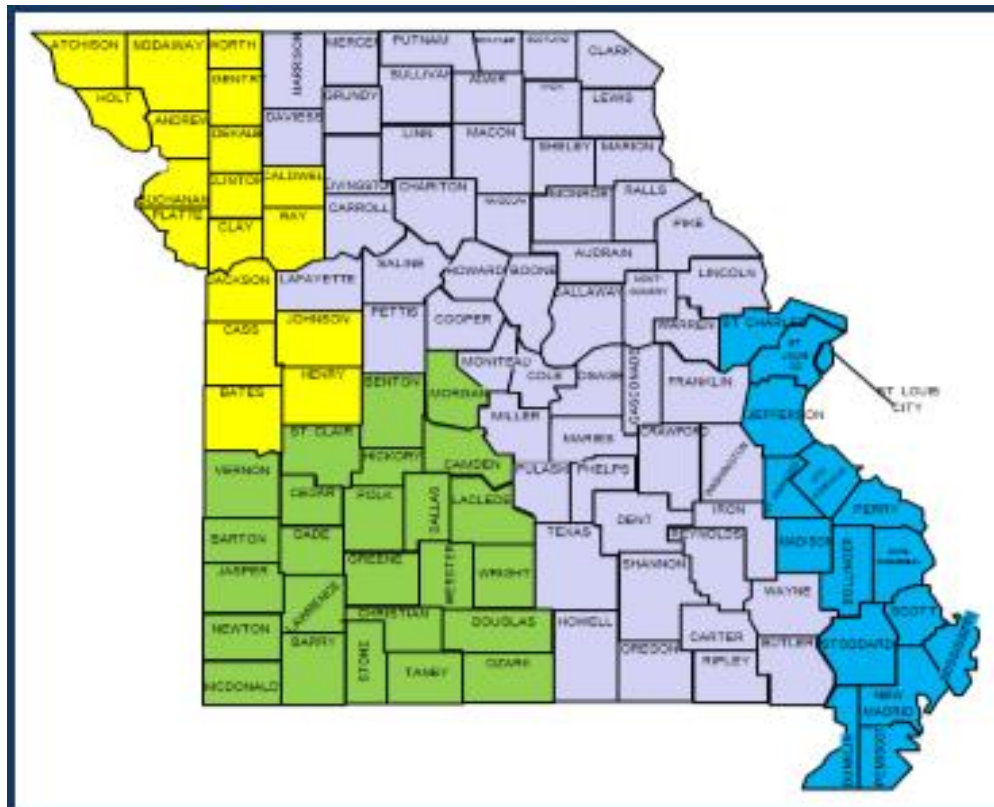
Districts 52 & 69

NEW DECISION ITEM

RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u> Division: <u>Public Defender - Legal Services</u> DI Name: <u>Caseload Relief - Constitutionally Mandated Representation</u>	Budget Unit <u>15111C</u> DI# <u>1151001</u> House Bill <u>12.400</u>
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Proposed PCR County Assignments



**Post Conviction Relief - Trials
(Circuit Court Level)**

Central PCR
District 67

Eastern Appellate/PCR
Districts 51 & 68

Western Appellate/PCR
Districts 52 & 69

Proposed PCR Office
District 66

Fiscal Year 2015 ASSIGNED CASES - Trial & Appellate Division Caseload, Adjusted for Withdrawals, and Office Conflicts MSPD to Retain All Cases That Are Not Conflicts Does Not include Capital or CDU									
Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY15 Withdrawn	1st Level Conflicts 40's, 41's, & 49's - Sending Office	1st Level Conflicts 40's, 41's, & 49's - Receiving Office	Conflicts Assigned to Private Counsel 42's & 44's	Trial & Appellate Adjusted Caseload NO CONFLICTS	RubinBrown Hours Required for Case Type	FY15 Required Hours
15	Murder 1st Degree	131	(22)	(21)	(21)	(8)	59	106.60	6,289
20	Other Homicide	122	(10)	(19)	(19)	(8)	66	106.60	7,036
30D	AB Felony Drug	2,708	(259)	(512)	(512)	(173)	1,252	47.60	59,595
30F	AB Felony Other	3,654	(366)	(530)	(530)	(143)	2,085	47.60	99,246
30X	AB Felony Sex	603	(54)	(52)	(52)	(12)	433	63.80	27,625
35D	CD Felony Drug	7,520	(462)	(1,023)	(1,023)	(195)	4,817	25.00	120,425
35F	CD Felony Other	20,541	(1,273)	(2,357)	(2,357)	(472)	14,082	25.00	352,050
35X	CD Felony Sex	284	(16)	(14)	(14)	(3)	237	63.80	15,121
45M	Misdemeanor	12,349	(478)	(966)	(966)	(150)	9,789	11.70	114,531
45T	Misdemeanor - Traffic	1,879	(98)	(82)	(82)	(12)	1,605	11.70	18,779
50N	Juvenile - Non Violent	964	(40)	(116)	(116)	(18)	674	19.50	13,143
50S	Juvenile - Status	117	(3)	(7)	(7)	(7)	93	19.50	1,814
50V	Juvenile - Violent	674	(56)	(57)	(57)	(7)	497	19.50	9,692
60	552 Release Petitions	14		(1)	(1)		12	0.00	0
65F	Probation Violation - Felony	13,367	(556)	(569)	(569)	(94)	11,579	9.80	113,474
65M	Probation Violation - Misd	3,065	(101)	(150)	(150)	(26)	2,638	9.80	25,852
75	Special Writ	4					4	0.00	0
99	None						0	0.00	0
110F	Direct Appeals - Felony	407	(15)	(11)	(11)	(2)	368	96.50	35,512
110J	Direct Appeal - Juvenile	1					1	96.50	97
110S	Direct Appeal - Misdemeanor	16	(3)				13	96.50	1,255
124A	Rule 24.035 Appeal	161		(1)	(1)		159	96.50	15,344
124M	Rule 24.035 Motion	578	(8)	(8)	(8)	(1)	553	96.50	53,365
129A	Rule 29.15 Appeal	180		(6)	(6)		168	96.50	16,212
129M	Rule 29.15 Motion	296	(6)	(22)	(22)	(6)	240	96.50	23,160
Other	Other	91	(4)	(13)	(13)		61	0.00	0
	Totals	69,726	(3,830)	(6,537)	(6,537)	(1,337)	51,485	Case Hours	1,129,615

Trial and Appellate Division - Case Standards - 2015 Attorney Calculation Assuming All Trial Division Conflicts to Private Counsel Appellate PCR's Remain with Public Defender System	
From Time Log - Attorney Travel Time Per Year	48,842.0
From Time Log - Attorney In Court Time	109,133.8
Case Hours Required Per ABA/RubinBrown Study - January 2014	<u>1,129,614.6</u>
Total Attorney Hours Required Per Year	1,287,590.4
Attorney Hours Available Per Year	2,080.0
Number of Attorneys Required	619.0
Current Number of Trial & Appellate Division Attorneys (Authorized FTE)	<u>349.5</u>
Number of Attorneys Needed to meet RubinBrown Standard	269.5

Note: These figures do not include juvenile cases not represented by the public defender.
 11.50 attorneys are requested in the following Juvenile Advocacy decision item. The remaining 258.00 are requested in this Constitutionally Mandated Representation decision item.

ABA/RubinBrown Workload Study	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

NEW DECISION ITEM
RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI# 1151001
	House Bill 12.400

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Assistant Public Defender III/ C00460	14,006,304	258.0	0	0.0	0	0.0	14,006,304	258.0	
Legal Assistant/C00200	2,152,752	86.0					2,152,752	86.0	
Total PS	16,159,056	344.0	0	0.0	0	0.0	16,159,056	344.0	0
Travel/140	903,000		0		0		903,000		
Supplies/190	144,050		0		0		144,050		
Communications Service & Supplies/340	412,800						412,800		
Professional Services/400	3,876,738						3,876,738		
Computer Equipment/480	404,200						404,200		404,200
Office Equipment/580	464,830						464,830		464,830
Other Equipment/590	115,670						115,670		115,670
Building Lease Payments/680	653,600						653,600		
							0		
Total EE	6,974,888		0		0		6,974,888		984,700
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	23,133,944	344.0	0	0.0	0	0.0	23,133,944	344.0	984,700

**Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel
RubinBrown**

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30 \$54,288	258.00 \$14,006,304
Legal Assistants - Range 15 \$25,032	86.00 \$2,152,752
	<u>344.00</u>
Total Personal Service	\$16,159,056
Expense & Equipment	
One-time Purchases	
Attorney Package \$2,855	258.00 \$736,590
Legal Assistant Package \$2,885	86.00 <u>\$248,110</u>
Total One-Time Purchases	\$984,700
On-Going Costs	
Attorneys \$6,600	258.00 \$1,702,800
Legal Assistant \$4,775	86.00 <u>\$410,650</u>
Total Personnel Related On-Going Costs	<u>\$2,113,450</u>
Total Expense and Equipment	<u>\$3,098,150</u>
Total Decision Item Request	\$19,257,206

Position Cost Detail for New FTE's

One Time Equipment Purchase

Attorneys

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

Support Staff

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

Detail for Projections

On-Going Costs - Trial & Appellate Divisions

Attorneys

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistants/Investigators

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Representation - 1151001								
SECRETARY	0	0.00	0	0.00	2,152,752	86.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	14,006,304	258.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	16,159,056	344.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	903,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	144,050	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	412,800	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	3,876,738	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	404,200	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	464,830	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	115,670	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	653,600	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	6,974,888	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$23,133,944	344.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$23,133,944	344.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Comprehensive Compensation Structure</u>	DI# <u>1151002</u> House Bill <u>12.400</u>

1. AMOUNT OF REQUEST

FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	1,101,929	0	0	1,101,929	PS	0	0	0	0
EE	0	0	0	0	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	1,101,929	0	0	1,101,929	Total	0	0	0	0
 FTE	 0.00	 0.00	 0.00	 0.00	 FTE	 0.00	 0.00	 0.00	 0.00
Est. Fringe	301,047	0	0	301,047	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

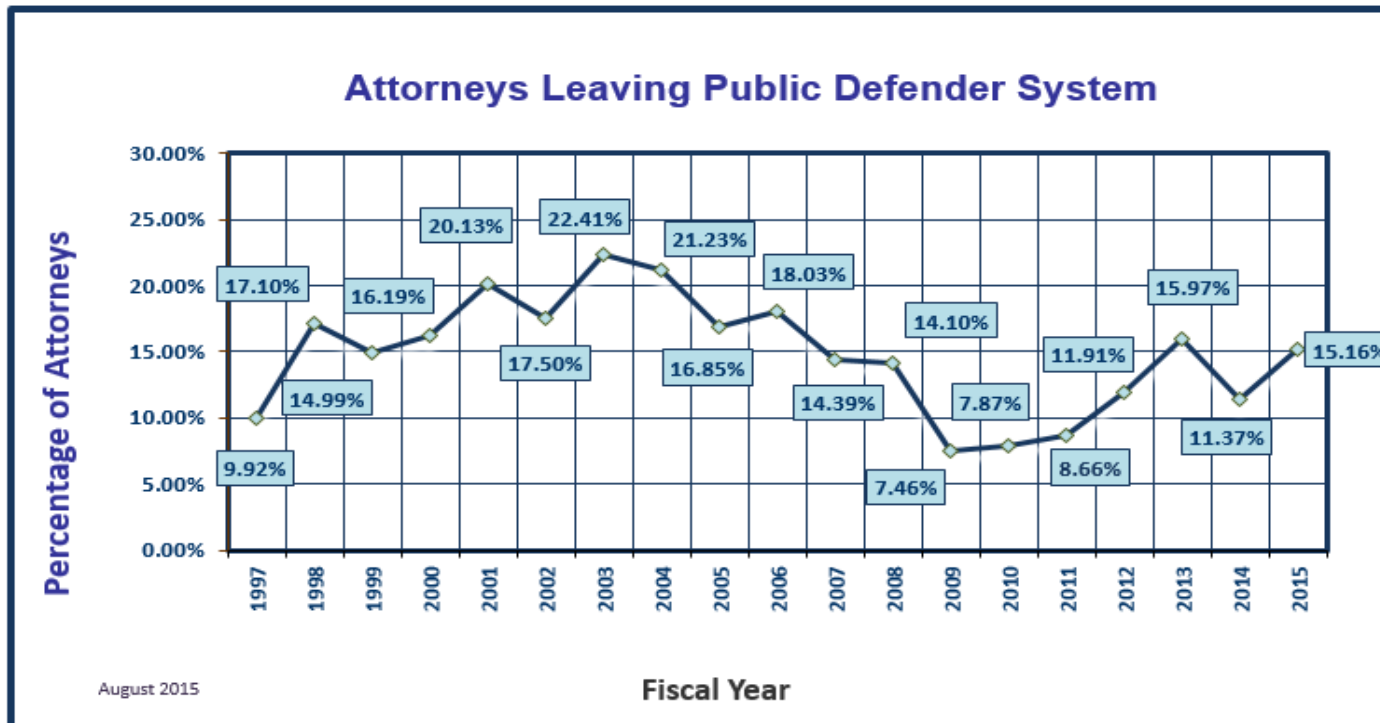
Employee retention and recruitment is essential to the Missouri State Public Defender System's ability to meet its constitutional mandate to provide effective representation, especially in light of the fact that it is operating at less than one half the attorneys and one quarter the support staff needed for its caseload. Further, MSPD must be able to retain the employees it does have in order to avoid the backload that occurs to the existing high caseloads when attorneys move on to other jobs.

NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Comprehensive Compensation Structure</u>	DI# <u>1151002</u> House Bill <u>12.400</u>
<p>Without moving somewhat closer in salary parity to prosecuting attorneys, MSPD cannot recruit or retain employees. The resulting revolving door, as evidenced by our increasingly high turnover rate, which increased from 11.37 % in 2014 to 15.16%, makes it more likely that innocent persons will be incarcerated, that clients will languish in jail waiting until someone can get to their cases, and that non-violent offenders will be unnecessarily sent to prison, all at an extraordinarily high cost to Missouri's citizens, a much higher cost than what it would take to provide salary parity and greater retention for our employees. Every time an attorney leaves, his or her cases are reassigned and an already overloaded attorney adds the case to his or her existing backlog. With MSPD operating at one quarter the support staff needed, it also is critical that MSPD is able to retain the existing investigators, paralegals, legal assistants, mitigation specialists, and other clerical staff.</p> <p>A comprehensive compensation structure, with some minor adjustments to existing salaries, will provide the needed promotion tracks to retain attorneys throughout their career.</p>	

NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Comprehensive Compensation Structure</u>	DI# <u>1151002</u> House Bill <u>12.400</u>



NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>				Budget Unit <u>15111C</u>					
Division: <u>Public Defender - Legal Services</u>									
DI Name: <u>Comprehensive Compensation Structure</u>		DI# <u>1151002</u>	House Bill <u>12.400</u>						
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Assistant Public Defenders	880,022						880,022	0.0	
District Defenders/C00460	221,907						221,907	0.0	
Total PS	1,101,929	0.0	0	0.0	0	0.0	1,101,929	0.0	0
							0		
							0		
							0		
Total EE	0		0		0		0		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	1,101,929	0.0	0	0.0	0	0.0	1,101,929	0.0	0

District Defender Assistant Public Defenders					
Job Title	Current # of FTE	Proposed # of FTE	FY16 Salary	Proposed Salary	Cost
Assistant Public Defender I	57.00		\$38,928		<u>\$2,218,896</u>
Assistant Public Defender I		57.00		\$42,708	<u>\$2,434,356</u>
Assistant Public Defender I Salary Adjustment Cost					<u>\$215,460</u>
Assistant Public Defender II	96.00		\$46,068		<u>\$4,422,528</u>
Assistant Public Defender II		96.00		\$48,156	<u>\$4,622,976</u>
Assistant Public Defender II Salary Adjustment Cost					<u>\$200,448</u>
Assistant Public Defender III	46.00		\$51,096		<u>\$2,350,416</u>
Assistant Public Defender III		46.00		\$54,288	<u>\$2,497,248</u>
Assistant Public Defender III Salary Adjustment Cost					<u>\$146,832</u>
Assistant Public Defender IV	117.50		\$62,664		<u>\$7,363,020</u>
Assistant Public Defender IV		42.50		\$62,664	<u>\$2,663,220</u>
Assistant Public Defender IV Salary Adjustment Cost					<u>-\$4,699,800</u>
Assistant Public Defender V	0.00		\$0		<u>\$0</u>
Assistant Public Defender V		60.00		\$65,364	<u>\$3,921,840</u>
Assistant Public Defender V Salary Adjustment Cost					<u>\$3,921,840</u>
Assistant Public Defender VI	0.00		\$0		<u>\$0</u>
Assistant Public Defender VI		15.00		\$71,100	<u>\$1,066,500</u>
Assistant Public Defender VI Salary Adjustment Cost					<u>\$1,066,500</u>
Total FTE	316.50	Total Decision Item Cost			<u>\$851,280</u>

District Defender Deputy District Defenders					
Job Title	Current # of FTE	Proposed # of FTE	Average FY16 Salary	Proposed Salary	Cost
Deputy District Defender	10.00		\$68,305		<u>\$683,050</u>
Deputy District Defender I		3.00		\$68,160	\$204,480
Deputy District Defender II		4.00		\$71,100	\$284,400
Deputy District Defender III		3.00		\$74,304	<u>\$222,912</u>
		10.00			<u>\$711,792</u>
Deputy District Defender Salary Adjustment Cost					<u>\$28,742</u>
District Defender	43.00		\$73,251		<u>\$3,149,793</u>
District Defender I		20.00		\$74,304	\$1,486,080
District Defender II		19.00		\$81,036	\$1,539,684
District Defender III		4.00		\$86,484	<u>\$345,936</u>
					<u>\$3,371,700</u>
District Defender Salary Adjustment Cost					<u>\$221,907</u>
Total FTE	53.00		Decision Item Cost		\$250,649

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Comprehensive Compensation Structure - 1151002								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	880,022	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	221,907	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	1,101,929	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,101,929	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,101,929	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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NEW DECISION ITEM
RANK: 4 OF 4

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Advocacy Offices	DI#	1151003
		House Bill	12.400

1. AMOUNT OF REQUEST

FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	896,832	0	0	896,832	PS	0	0	0	0
EE	173,985	0	0	173,985	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	1,070,817	0	0	1,070,817	Total	0	0	0	0
FTE	0.00	0.00	0.00	19.50	FTE	0.00	0.00	0.00	0.00
Est. Fringe	245,015	0	0	245,015	Est. Fringe	0	0	0	0
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.				
Other Funds:					Other Funds:				

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input checked="" type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's system of juvenile indigent defense representation. The report was part of a national strategy to review state juvenile indigent defense delivery systems and to evaluate how effectively attorneys in juvenile court are fulfilling their constitutional and statutory obligations to their clients.

NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Juvenile Advocacy Offices</u> DI# <u>1151003</u>	House Bill <u>12.400</u>
<p>The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it found that:</p> <p style="margin-left: 40px;">“children facing criminal or status offenses in Missouri’s juvenile justice system frequently do so without the benefit of counsel or without adequate representation through all critical stages. There are significant gaps in both access to and quality of representation provided to youth that fall well below the standards established by the Institute of Judicial Administration and American Bar Association’s <i>Juvenile Justice Standards</i>, the ABA <i>Rules of Professional Conduct</i>, the <i>Ten Core Principles for Juvenile Indigent Defense</i> established by NJDC and NJDS’s newly release <i>National Juvenile Defense Standards</i>. Justice is often rationed to juveniles in Missouri for a variety of reasons, not the least of which is the crisis in the public defender system....”</p>	

NEW DECISION ITEM
RANK: 4 OF 4

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Advocacy Offices	DI#	1151003
		House Bill	12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Utilizing data provided from the Office of the State Court's Administrator, there were 14,342 formal juvenile cases filed statewide in 2012 (the last year that OSCA has provided MSPD with numbers), of which 7,836 were abuse/neglect cases, leaving 6,506 juvenile cases where the juvenile was entitled to an attorney. Of the 6,506 juveniles, only 13% were actually represented by private counsel. That leaves 5,660 juvenile cases where the juvenile needed a public defender. However, in that same year, MSPD provided representation in just 1,923 juvenile cases.

As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit the waiver of counsel by juveniles (this need has become even more so given the Department of Justice's findings in its recent report on St. Louis County). In the meantime, they have asked MSPD to pursue the reinstatement of the two Juvenile Advocacy Units, one in the Kansas City area and one in the greater St. Louis area. (MSPD previously had these units, but had to relinquish them when trial division caseloads became too high and no additional personnel were forthcoming.)

These specialized units not only better serve juvenile clients, they also provide a resource and expertise for those providing juvenile representation throughout the state. This will become even more essential if waiver of counsel in these cases is eliminated and more public defenders and inexperienced private attorneys are appointed to provide juvenile defense representation.

MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney in each office to represent juveniles certified to stand trial as an adult and to serve as a statewide juvenile resource attorney to assist local offices across the rest of the state.

NEW DECISION ITEM
RANK: 4 OF 4

Department: <u>Office of the State Public Defender</u>			Budget Unit <u>15111C</u>						
Division: <u>Public Defender - Legal Services</u>									
DI Name: <u>Juvenile Advocacy Offices</u>		DI# <u>1151003</u>	House Bill <u>12.400</u>						
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
District Defender/C00460	148,608	2.0					148,608	2.0	
Assistant Public Defender/C00400	515,736	9.5					515,736	9.5	
Mitigation Specialist/C00350	72,408	2.0					72,408	2.0	
Investigator/C00300	59,952	2.0					59,952	2.0	
Secretary	100,128	4.0					100,128	4.0	
							0	0.0	
Total PS	896,832	19.5	0	0.0	0	0.0	896,832	19.5	0
							0		
Travel/140	45,720						45,720		
Supplies/190	9,100						9,100		
Communication Service & Supplies/340	12,915						12,915		
Professional Services/400	15,000						15,000		
Building Lease Payments/680	91,250						91,250		
							0		
							0		
Total EE	173,985		0		0		173,985		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	1,070,817	19.5	0	0.0	0	0.0	1,070,817	19.5	0

Missouri State Public Defender JUVENILE CASELOAD				
ST. LOUIS AREA - FY2015 Actual Juvenile Cases Handled				
St. Louis City	321			
St. Louis County	342			
St. Charles	34			
Total Number of Cases	697			
* RubinBrown/ABA Hours	19.50		* Does Not Include Travel or Court Time	
Hours Required	13,591.50			
/ Hours per Attorney Per Year	2,080.00			
	6.53			
Statewide Juvenile Resource Attorney	1.00			
Total Attorneys Requested	7.53	(Round to 7.50)		
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$74,304	\$74,304	
Assistant Public Defenders III	6.50	\$54,288	\$352,872	
Juvenile Dispositional Spec	1.00	\$36,204	\$36,204	
Legal Assistant	1.00	\$25,032	\$25,032	
Investigator	1.00	\$29,976	\$29,976	
Secretary	1.00	\$25,032	\$25,032	
TOTAL PERSONAL SERVICE	11.50			\$543,420
Travel & Parking				
\$95/ mo * 12 * 12 = Parking			\$13,680	
\$200/ mo * 12 * 8.50 = Mileage			\$16,800	
Supplies			\$3,000	
Professional			\$7,500	
Telephone \$90 * 11.50			\$1,035	
Network Costs \$450 * 12 months			\$5,400	
Postage \$300 * 12 months			\$2,400	
Building Costs			\$48,750	
TOTAL EXPENSE & EQUIPMENT				\$98,565
TOTAL COSTS ST. LOUIS AREA				\$641,985

Missouri State Public Defender JUVENILE CASELOAD				
JACKSON COUNTY - FY2015 Actual Juvenile Cases Handled				
Jackson County	311.00			
* RubinBrown/ABA Hours	<u>19.50</u>		* Does Not Include Travel or Court Time	
Hours Required	6064.50			
/ Hours per Attorney Per Year	<u>2080.00</u>			
	2.92			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	3.92	(Round to 4)		
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$74,304	\$74,304	
Assistant Public Defenders III	3.00	\$54,288	\$162,864	
Juvenile Dispositional Spec	1.00	\$36,204	\$36,204	
Legal Assistant	1.00	\$25,032	\$25,032	
Investigator	1.00	\$29,976	\$29,976	
Secretary	<u>1.00</u>	\$25,032	<u>\$25,032</u>	
TOTAL PERSONAL SERVICE	8.00			\$353,412
Travel & Parking				
\$65/ mo *12*8 = Parking			\$6,240	
\$125/ mo *12*6 = Mileage			\$9,000	
Supplies			\$2,500	
Professional			\$7,500	
Telephone \$90 *12			\$1,080	
Network Costs \$450 * 12			\$5,400	
Postage \$100 * 12			\$1,200	
Building Costs			<u>\$42,500</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$75,420</u>
TOTAL COSTS JACKSON COUNTY				\$428,832
TOTAL COSTS FOR EXISTING JUVENILE CASES ST. LOUIS AREA & JACKSON COUNTY				\$1,070,817

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Juvenile Advocacy - 1151003								
SECRETARY	0	0.00	0	0.00	100,128	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	59,952	2.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	72,408	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	515,736	9.50	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	148,608	2.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	896,832	19.50	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	45,720	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	9,100	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	12,915	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	15,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	91,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	173,985	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,070,817	19.50	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,070,817	19.50		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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NEW DECISION ITEM

RANK: 4 OF 4

Department : Office of the State Public Defender		Budget Unit <u>15111C</u>	
Division: Public Defender - Legal Services			
DI Name: Information Technology	DI# <u>1151004</u>	House Bill	<u>12.400</u>
Cyber Security, Mobility & WAN			

1. AMOUNT OF REQUEST

FY 2017 Budget Request				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	461,260	0	0	461,260
PSD	0	0	0	0
TRF	0	0	0	0
Total	461,260	0	0	461,260

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

MSPD cannot improve or expand its network infrastructure, which is critically needed, without additional funding. MSPD's budget for its Wide Area Network [WAN] has remained unchanged for more than a decade, while its use of technological resources and electronic information has expanded at an amazing rate due in large part to e-filing requirements and the regular review of electronic evidence, such as body camera videos.

NEW DECISION ITEM

RANK: 4 OF 4

Department :	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology		
	Cyber Security, Mobility & WAN	DI#	1151004 House Bill 12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Distribution of Electronic Discovery and Critical Software Updates: The Missouri State Public Defender has partnered with many prosecutors around the state to receive discovery in digital form. However, distributing large digital discovery over the current MSPD network must be done outside of regular business hours to prevent disruption of other regular daily business. MSPD routinely receives e-discovery containing video and audio files which congest its system. Also completed outside of regular business hours is the deployment of critical files to protect computers and servers. All must be updated nightly with the latest anti-virus software and patches to the installed software programs. These processes are taking longer and longer to complete because of limited network speeds. Also, attorneys utilizing the networks to work late into the evening and in early morning hours severely limit the number of hours available for these crucial functions.

Other Resources pulling on MSPD's network include:

- Missouri Courts mandatory E-Filing
- Access to Department of Revenue for driving history and vehicle access
- Increased use of Web-based investigative tools
- Internet-based legal research tools
- Secretary of State's web-based archiving system
- Highway Patrol electronic criminal records
- Web-based training
- Video conferencing
- Electronic Lien submission to DOR and MO Lottery
- SAMII and BRASS
- Supreme Court oral arguments

NEW DECISION ITEM

RANK: 4 OF 4

Department :	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology		
	Cyber Security, Mobility & WAN	DI#	1151004
		House Bill	12.400

Challenges to Information Technology Support: MSPD has a very small IT staff. As a result, they rely heavily upon remote access tools to view and control MSPD employee computers all around the state in order to solve problems and provide needed assistance -- avoiding the delay and cost involved in travel time to provide in-person IT assistance. Unfortunately, more and more frequently, MSPD attorneys and investigators are encountering challenges in playing the wide variety of surveillance and other digital evidence associated with their cases, but MSPD's network is not sufficient to allow IT to remotely assist employees with the operation of these very large electronic files. Internet access and current technology tools are only as fast as the slowest link -- that "last mile". The PD system has a total of 37 "last miles" -- one for each of its locations around the state. Faster network access is essential for the IT Department to get equipment fixed in a timely fashion and help employees get to back to work faster.

MSPD attorneys drive in excess of 2,000,000 miles per year and spend more than 25% of time worked outside of the office in court, visiting clients, interviewing witnesses, and investigating crime scenes. Therefore, MSPD employees need to work efficiently and effectively from anywhere and everywhere. Having commonly used applications available from mobile devices and mobile WiFi for laptops can assist in accomplishing these goals. However, there must an information technology infrastructure to support mobile applications as well as additional security systems and procedures to address the Bring Your Own Device (BYOD) environment.

Also, unlike Missouri's county-based prosecuting attorneys, MSPD does not have an office in each county courthouse with ready access to internet or WiFi. Instead, public defenders often spend significant portions of their time working in counties other than the one in which their office is located, and while they have laptops to assist them in this remote practice, the laptops are of limited use without internet service with which to access their electronic case files, Missouri's statutes, court rules and case law, as well as the court's own Casenet database. Approximately half of Missouri's county courts provide free WiFi access to "visiting" attorneys like Missouri's public defenders. The other half does not. This decision item, therefore includes the cost of providing mobile WiFi hotspots to fill this gap in essential internet access.

Along with an increase in mobility comes increased concerns and infrastructure needs for adequate cybersecurity and management of privately owned devices. This includes encryption software for all laptops and external media.

Due to the increased size of files, such as E-Discovery, E-mail, video evidence, video depositions, etc...additional secured storage is required. MSPD also needs to protect, manage and control confidential information, and identities. This can be accomplished with data loss prevention software.

NEW DECISION ITEM
RANK: 4 OF 4

Department : Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Information Technology Cyber Security, Mobility & WAN	DI# <u>1151004</u> House Bill <u>12.400</u>

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
	0						0	0.0	
							0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
							0		
Communication Service & Supplies/340	461,260						461,260		
							0		
Total EE	461,260		0		0		461,260		0
							0		
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	461,260	0.0	0	0.0	0	0.0	461,260	0.0	0

NEW DECISION ITEM

RANK: 4 OF 4

Department : <u>Office of the State Public Defender</u> Division: <u>Public Defender - Legal Services</u> DI Name: <u>Information Technology</u> <u>Cyber Security, Mobility & WAN</u>	Budget Unit <u>15111C</u> DI# <u>1151004</u> House Bill <u>12.400</u>
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CYBER SECURITY, MOBILITY AND WAN	
Larger Information Technology Pipelines to Every Public Defender Office	
\$565 Additional per Month for 12 Months for 38 Locations	\$257,640
Wifi Hotspot for all non Wifi Courtrooms	
There are 334 Circuit and Associate Judges in the State	
Estimate 1/2 do not have Wifi accessibility in their Courtrooms	
\$37 per Month for 12 months for 167 courts	\$74,145
Moblle Device Management	
\$65 per year per user (515 staff)	\$33,475
Encryption Software for all laptops and external Media	\$20,500
Encryption Management Server	\$6,500
Secured Storage - E-Discovery, E-Mail, Video Evidence, Video Depositions	\$50,000
Data Loss Protection - for Confidential Information and Identities	\$7,000
Training and Employee Education regarding Cyber Security	\$12,000
	\$461,260

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Cyber Security, Mobility WAN - 1151004								
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	461,260	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	461,260	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$461,260	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$461,260	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131C
Division :	Public Defender - Federal & Other		
Core:	Core Request	HB Section	12.400

1. CORE FINANCIAL SUMMARY

	FY 2017 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	125,000	0	125,000
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	125,000	0	125,000

FTE 0.00 0.00 0.00 0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2017 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should Federal or other funds become available during Fiscal Year 2017 to assist in funding the State Public Defender System.

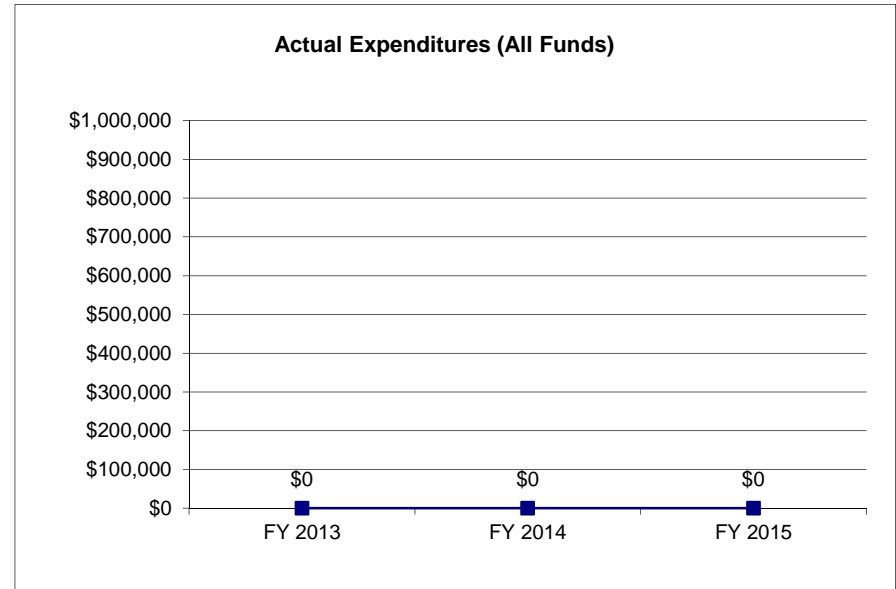
3. PROGRAM LISTING (list programs included in this core funding)

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131C
Division :	Public Defender - Federal & Other		
Core:	Core Request	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Current Yr.
Appropriation (All Funds)	\$125,000	\$125,000	\$125,000	\$125,000
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)	\$0	\$0	\$0	\$0
Budget Authority (All Funds)	\$125,000	\$125,000	\$125,000	\$125,000
Actual Expenditures (All Funds)	\$0	\$0	\$0	\$0
Unexpended (All Funds)	\$125,000	\$125,000	\$125,000	\$125,000
Unexpended, by Fund:				
General Revenue	\$0	\$0	\$0	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Appropriation is requested to have spending authority should federal or other funds become available during Fiscal Year 2017 to assist in funding the State Public Defender System.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

STATE OF MISSOURI FUND FINANCIAL SUMMARY

DEPARTMENT: 151 - Public Defender
FUND NAME: Federal & Other
FUND NUMBER: 0112

☐ Statutory _____
☐ Constitutional _____

☒ Federal Fund
☒ Administratively Created
☐ Interest Deposited To Fund

☐ Subject To Biennial Sweep
☐ Subject to Other Sweeps (see Notes)

FUND OPERATIONS	FY 2015 ADJUSTED APPROP	FY 2015 ACTUAL SPENDING	FY 2016 ADJUSTED APPROP	FY 2017 REQUESTED	FY 2017 GOVERNOR RECOMMEND
BEGINNING CASH BALANCE	0	0	0	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	0	0	0	0	0
TOTAL RESOURCES AVAILABLE	0	0	0	0	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	0	0	0	0
BUDGET BALANCE	0	0	0	0	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	0	0	0	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	0	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	0	0	0	0	0

REVENUE SOURCE: Appropriation is requested to allow MSPD to have spending authority should federal and/or other funds become available to assist in funding the State Public Defender System.

FUND PURPOSE: To assist in funding the State Public Defender System.

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	131,826	1.94	132,537	2.00	132,537	2.00	0	0.00
TOTAL - PS	131,826	1.94	132,537	2.00	132,537	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,482,918	0.00	2,765,756	0.00	2,800,756	0.00	0	0.00
TOTAL - EE	1,482,918	0.00	2,765,756	0.00	2,800,756	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	18,979	0.00	85,000	0.00	50,000	0.00	0	0.00
TOTAL - PD	18,979	0.00	85,000	0.00	50,000	0.00	0	0.00
TOTAL	1,633,723	1.94	2,983,293	2.00	2,983,293	2.00	0	0.00
GRAND TOTAL	\$1,633,723	1.94	\$2,983,293	2.00	\$2,983,293	2.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender - Legal Defense & Defender Fund		
Core:	Legal Defense & Defender Fund	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS		0	132,537	132,537	PS	0	0	0	0
EE		0	2,800,756	2,800,756	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	0	0	2,933,293	2,933,293	Total	0	0	0	0
FTE	0.00	0.00	2.00	2.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	56,393	56,393	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds: **Legal Defense & Defender Fund**

Other Funds:

2. CORE DESCRIPTION

As laws continue to change and staff continues to turnover, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases and office moves.

3. PROGRAM LISTING (list programs included in this core funding)

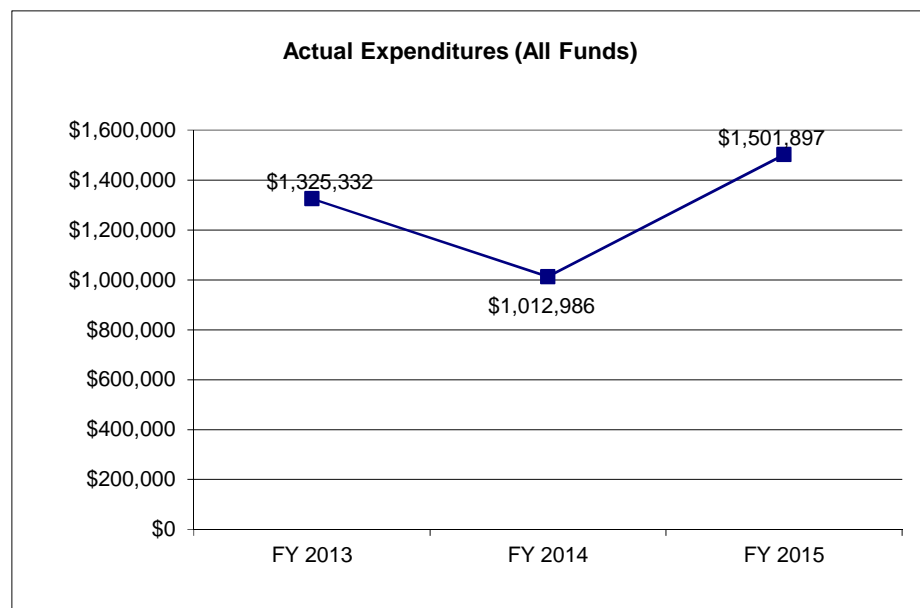
There are not separate programs within this appropriation

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender - Legal Defense & Defender Fund		
Core:	Legal Defense & Defender Fund	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Current Yr.
Appropriation (All Funds)	\$2,980,952	\$2,981,482	\$2,981,982	\$2,983,293
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)	\$0	\$0	\$0	\$0
Budget Authority (All Funds)	\$2,980,952	\$2,981,482	\$2,981,982	\$2,983,293
Actual Expenditures (All Funds)	\$1,325,332	\$1,012,986	\$1,501,897	\$0
Unexpended (All Funds)	\$1,655,620	\$1,968,496	\$1,480,085	\$2,983,293
Unexpended, by Fund:				
General Revenue	\$0	\$0	\$0	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$1,655,620	\$1,968,496	\$1,480,085	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

**MSPD can only expend what is collected up to the limits of the appropriation.
Funds in excess of \$150,000 are subject to a biennial sweep**

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	90,875	0.94	93,123	1.00	93,123	1.00	0	0.00
PROGRAM TECHNICIAN	40,951	1.00	39,414	1.00	39,414	1.00	0	0.00
TOTAL - PS	131,826	1.94	132,537	2.00	132,537	2.00	0	0.00
TRAVEL, IN-STATE	442,317	0.00	928,256	0.00	908,256	0.00	0	0.00
TRAVEL, OUT-OF-STATE	74,416	0.00	50,000	0.00	75,000	0.00	0	0.00
SUPPLIES	19,062	0.00	95,000	0.00	95,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	75,443	0.00	85,000	0.00	85,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	60,000	0.00	60,000	0.00	0	0.00
PROFESSIONAL SERVICES	34,028	0.00	125,000	0.00	125,000	0.00	0	0.00
M&R SERVICES	191,641	0.00	225,000	0.00	225,000	0.00	0	0.00
COMPUTER EQUIPMENT	381,639	0.00	450,000	0.00	450,000	0.00	0	0.00
OFFICE EQUIPMENT	18,197	0.00	195,000	0.00	195,000	0.00	0	0.00
OTHER EQUIPMENT	28,325	0.00	275,000	0.00	275,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	17,500	0.00	17,500	0.00	17,500	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	38,286	0.00	10,000	0.00	40,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	162,064	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL - EE	1,482,918	0.00	2,765,756	0.00	2,800,756	0.00	0	0.00
REFUNDS	18,979	0.00	85,000	0.00	50,000	0.00	0	0.00
TOTAL - PD	18,979	0.00	85,000	0.00	50,000	0.00	0	0.00
GRAND TOTAL	\$1,633,723	1.94	\$2,983,293	2.00	\$2,983,293	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,633,723	1.94	\$2,983,293	2.00	\$2,983,293	2.00		0.00

STATE OF MISSOURI FUND FINANCIAL SUMMARY

DEPARTMENT: 151 - Public Defender
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

☐ Federal Fund
☒ Administratively Created
☒ Interest Deposited To Fund

☒ Statutory RSMo. 600.090.6
☐ Constitutional _____

☒ Subject To Biennial Sweep
☐ Subject to Other Sweeps (see Notes)

FUND OPERATIONS	FY 2015 ADJUSTED APPROP	FY 2015 ACTUAL SPENDING	FY 2016 ADJUSTED APPROP	FY 2017 REQUESTED	FY 2017 GOVERNOR RECOMMEND
BEGINNING CASH BALANCE	0	478,299	141,261	94,761	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	1,339,899	1,250,000	2,867,822	0
TRANSFERS IN	0	23,156	20,000	20,000	0
TOTAL RECEIPTS	0	1,363,055	1,270,000	2,887,822	0
TOTAL RESOURCES AVAILABLE	0	1,841,354	1,411,261	2,982,583	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,633,723	1,250,000	0	0
TRANSFER APPROPS	0	66,370	66,500	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	1,700,093	1,316,500	0	0
BUDGET BALANCE	0	141,261	94,761	2,982,583	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	141,261	94,761	2,982,583	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	141,261	94,761	2,982,583	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	0	141,261	94,761	2,982,583	0

REVENUE SOURCE: Monies collected from public defender clients.

FUND PURPOSE: Appropriation funds are largely used for training of public defenders and their staff. Funds are also used to supplement the cost of the operation of the State Public Defender System, by purchasing one-time equipment, paying for Missouri Bar dues, cost associated with information technology and other general operating costs.

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
TOTAL - EE	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
TOTAL	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$0	0.00

9/17/15 12:40

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15151C
Division:	Public Defender		
Core:	Extraordinary Expenses/Conflict Core Request	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	3,721,071	0	0	3,721,071	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	3,721,071	0	0	3,721,071	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. CORE DESCRIPTION

This appropriation was established to cover three main types of expenses.

VIOLENT CRIMES: Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators.

LITIGATION EXPENSES: Litigation expenses costing over \$500 are paid out of the appropriation. These would include, but are not limited to, such things as independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.

CONFLICT CASES: A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. Should these co-defendants, each want to snitch on the other, an ethical problem is created and one defender office may not represent more than one co-defendant.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15151C
Division:	Public Defender		
Core:	Extraordinary Expenses/Conflict Core Request	HB Section	12.400

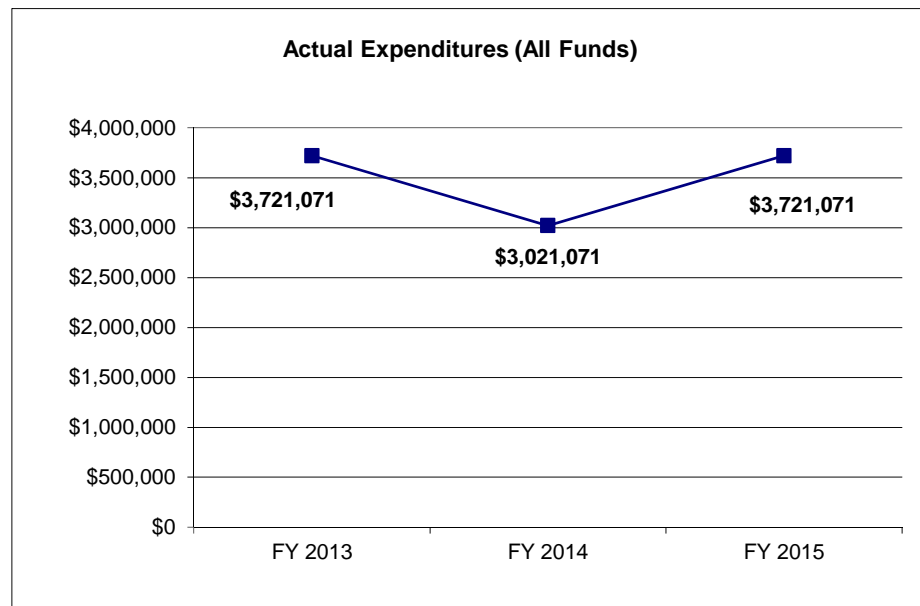
3. PROGRAM LISTING (list programs included in this core funding)

There are no "separate" programs within this appropriation.

A chart depicting the contract rates paid to private counsel may be found under the tab "Constitutionally Mandated".

4. FINANCIAL HISTORY

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Current Yr.
Appropriation (All Funds)	\$3,721,071	\$3,021,071	\$3,721,071	\$3,721,071
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)	\$0	\$0	\$0	\$0
Budget Authority (All Funds)	\$3,721,071	\$3,021,071	\$3,721,071	\$3,721,071
Actual Expenditures (All Funds)	\$3,721,071	\$3,021,071	\$3,721,071	\$0
Unexpended (All Funds)	\$0	\$0	\$0	\$3,721,071
Unexpended, by Fund:				
General Revenue	\$0	\$0	\$0	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Fiscal Year 2015 CONFLICT and CONTRACT ASSIGNMENTS - By Case Type -				
Code	Case Type Description	# of Conflict Cases Contracted	# of Overload Cases Contracted	Total
110F	Direct Appeal - Felony	0	27	27
110I	Direct Appeal - Interlocutory	0		0
110J	Direct Appeal - Juvenile	0		0
110S	Direct Appeal - Misdemeanor	0	1	1
124A	Rule 24.035 Appeal - PCR Appeal	0		0
124M	Rule 24.035 Motion - Post Plea PCR	1	44	45
124SA	Rule 24.035 Appeal - State's Appeal	0		0
129A	Rule 29.15 Appeal - PCR Appeal	0	1	1
129M	Rule 29.15 Motion - Post Trial PCR	6		6
175T	Writ Trial	1		1
10	Murder 1 - Death Penalty	0		0
15	Murder 1 - Non-Death Penalty	11		11
20	Other Homicide	25	1	26
30D	A - B Felony Drug	313	6	319
30F	A - B Felony Other	297	11	308
30X	A - B Felony Sex	32	3	35
35D	C - D Felony Drug	579	26	605
35F	C - D Felony Other	1235	61	1296
35X	C - D Felony Sex	4	2	6
45M	Misdemeanor (other than Traffic)	470	93	563
45T	Misd. - Traffic (RSMo. 301-307)	44	18	62
50N	Juvenile Non-violent (all other)	47	1	48
50S	Juvenile Status	8	0	8
50V	Juvenile Violent (crimes against persons)	20	0	20
62	Sexual Predator Trial	1	0	1
65F	Probation Violation - Felony	252	46	298
65M	Probation Violation - Misdemeanor	91	10	101
99	None	3		3
		3440	351	
	Total Private Counsel Conflict & Contract Assignments			3791

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
TRAVEL, IN-STATE	247,907	0.00	225,000	0.00	130,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	42,170	0.00	30,000	0.00	35,800	0.00	0	0.00
FUEL & UTILITIES	7,413	0.00	7,500	0.00	7,500	0.00	0	0.00
SUPPLIES	22,797	0.00	25,000	0.00	29,500	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	22,433	0.00	25,000	0.00	21,300	0.00	0	0.00
PROFESSIONAL SERVICES	3,131,877	0.00	3,191,246	0.00	3,242,396	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,572	0.00	750	0.00	3,000	0.00	0	0.00
M&R SERVICES	4,922	0.00	15,000	0.00	7,500	0.00	0	0.00
OFFICE EQUIPMENT	28,037	0.00	1,500	0.00	25,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	206,037	0.00	195,000	0.00	214,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,425	0.00	575	0.00	575	0.00	0	0.00
MISCELLANEOUS EXPENSES	3,481	0.00	3,000	0.00	3,000	0.00	0	0.00
TOTAL - EE	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	929,322	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	929,322	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	929,322	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$929,322	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00

9/17/15 12:40

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CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15161C
Division: Public Defender	
Core: Debt Offset Core Request	HB Section 12.400

1. CORE FINANCIAL SUMMARY									
FY 2017 Budget Request					FY 2017 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	0	0	1,200,000	1,200,000	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	0	0	1,200,000	1,200,000	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					Other Funds:				

2. CORE DESCRIPTION
<p>Beginning in FY1995, each department/agency participating in the Department of Revenue's Debt Offset Program, was required to establish an appropriation to receive money intercepted from individual Missouri State income tax refunds by the Department of Revenue on behalf of the department/agency. Recently, the Department of Revenue has also set up an intercept program from individual lottery winnings.</p>

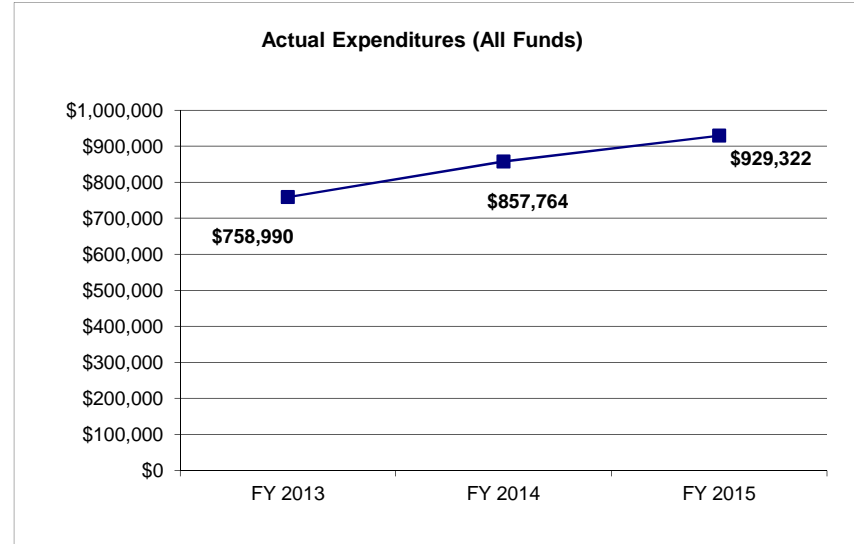
3. PROGRAM LISTING (list programs included in this core funding)
<p>In FY2015, the Missouri State Public Defender intercepted \$869,204 of individual Missouri State income tax refunds and \$51,068 of lottery winnings from past public defender clients who have/had outstanding debts to the State Public Defender.</p>

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15161C
Division:	Public Defender		
Core:	Debt Offset Core Request	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Current Yr.
Appropriation (All Funds)	\$350,000	\$1,200,000	\$1,200,000	\$1,200,000
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)	\$0	\$0	\$0	\$0
Budget Authority (All Funds)	\$350,000	\$1,200,000	\$1,200,000	\$1,200,000
Actual Expenditures (All Funds)	\$758,990	\$857,764	\$929,322	\$0
Unexpended (All Funds)	-\$408,990	\$342,236	\$270,678	\$1,200,000
Unexpended, by Fund:				
General Revenue	\$0	\$0	\$0	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2015	FY 2015	FY 2016	FY 2016	FY 2017	FY 2017	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	929,322	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	929,322	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$929,322	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$929,322	0.00	\$1,200,000	0.00	\$1,200,000	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Budget Object Summary	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Fund	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Representation Supplemental Request - 2151001								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	1,000,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	1,000,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL	1,000,000	0.00	0	0.00	0	0.00	0	0.00
GRAND TOTAL	\$1,000,000	0.00	\$0	0.00	\$0	0.00	\$0	0.00

9/17/15 12:47

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SUPPLEMENTAL NEW DECISION ITEM

Enter Department: Office of the State Public Defender House Bill Section 12.400
 Enter Division: Public Defender Legal Services
 Enter DI Name: Mandated Representation - Supplemental Request Original FY 2016 House Bill Section, if applicable 12.400
2151001

1. AMOUNT OF REQUEST

FY 2016 Supplemental Budget Request				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	1,000,000	0	0	1,000,000
PSD	0	0	0	0
TRF	0	0	0	0
Total	1,000,000	0	0	1,000,000

FTE 0.00 0.00 0.00 0.00
 POSITIONS 0 0 0 0
 NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe 0 0 0 0

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2016 Supplemental Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00
 POSITIONS 0 0 0 0
 NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe 0 0 0 0

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. MSPD's resources are too few and the caseloads are too high.

This proposal seeks funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.

SUPPLEMENTAL NEW DECISION ITEM

Enter Department: Office of the State Public Defender	House Bill Section 12.400
Enter Division: Public Defender Legal Services	
Enter DI Name: Mandated Representation - Supplemental Request	Original FY 2016 House Bill Section, if applicable 12.400
2151001	

3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.

The FY2017 decision item requesting funding for constitutionally mandated representation, assumes several things. One of which is that all conflict cases are contract out to the private bar. Currently, when a case involves multiple defendants, there is always the risk that one will point a finger at the other. There, the local defender office can only provide representation to one co-defendant and any other co-defendants must be provided representation elsewhere, either by another defender office or by private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and contracted out additional co-defendants to private counsel. However, this in-house handling of trial division conflict cases is not a cost-effective approach because it pulls lawyers out of their primary jurisdictions and requires them to drive significant distances to appear in court, conduct investigations, witness interviews and depositions, visit their clients in jail, all in a distant county. It is not uncommon for each trip to take a day of the attorney's time to deal with one or two cases. Instead, economies of scale suggest it is more cost-effective and efficient to contract all trial level conflict cases to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designated to serve.

At present, MSPD uses the fee schedule on the following page for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved on a case-by-case basis. Such costs would be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all Trial Division conflict cases to private counsel would run a little over \$6.154 million per year.. Since our Fiscal Year 2016 appropriation for this purpose is approximately \$2.278 million, contracting out all conflict cases for a full fiscal year would require an additional \$3.876 million, as shown in the tables on the following pages. This supplemental request is for \$1,000,000, which would allow MSPD to begin sending all conflicts to private counsel effective April 1, 2016.

SUPPLEMENTAL NEW DECISION ITEM

Enter Department: <u>Office of the State Public Defender</u>	House Bill Section <u>12.400</u>
Enter Division: <u>Public Defender Legal Services</u>	
Enter DI Name: <u>Mandated Representation - Supplemental Request</u>	Original FY 2016 House Bill Section, if applicable <u>12.400</u>
2151001	

4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	E
							0	0.0	
							0	0.0	
Total PS	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	
Professional Services/400	1,000,000						0		
							1,000,000		
							0		
Total EE	<u>1,000,000</u>		<u>0</u>		<u>0</u>		<u>1,000,000</u>		
Program Distributions							0		
Total PSD	<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		
Transfers							0		
Total TRF	<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		
Grand Total	<u>1,000,000</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>1,000,000</u>	<u>0.0</u>	

D

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misdemeanor	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$3,750
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$1,875
129M	Rule 29.15 Motion	\$1,000

Note: MSPD will pay additional compensation in cases resolved by:

Trials

Jury Trial \$1,500 for the first day and \$750 for each additional day
 Bench Trial \$750 per day - prorated

Appeals

Rule 29.15 Evidentiary Hearing \$500
 Rule 24.035 Evidentiary Hearing \$250

FY2015 CONFLICT CASES - Trial & Appellate Division Does Not include Capital or CDU					
Case Type	Description	Conflicts Currently Handled by MSPD Sister Offices 40's, 41's & 49's	Conflicts Currently Contracted to Private Counsel 42's & 44's	Contract Rates	Cost of Contracts
15	Murder 1st Degree	21	8	\$10,000	\$290,000
20	Other Homicide	19	8	\$6,000	\$162,000
30D	AB Felony Drug	512	173	\$750	\$513,750
30F	AB Felony Other	530	143	\$1,500	\$1,009,500
30X	AB Felony Sex	52	12	\$2,000	\$128,000
35D	CD Felony Drug	1,023	195	\$750	\$913,500
35F	CD Felony Other	2,370	472	\$750	\$2,131,500
35X	CD Felony Sex	14	3	\$1,500	\$25,500
45M	Misdemeanor	966	150	\$375	\$418,500
45T	Misdemeanor - Traffic	82	12	\$375	\$35,250
50N	Juvenile - Non Violent	116	18	\$500	\$67,000
50S	Juvenile - Status	7	7	\$500	\$7,000
50V	Juvenile - Violent	57	7	\$750	\$48,000
65F	Probation Violation - Felony	570	94	\$375	\$249,000
65M	Probation Violation - Misd	150	26	\$375	\$66,000
110F	Direct Appeals - Felony	11	2	\$3,750	\$48,750
110S	Direct Appeal - Misdemeanor			\$500	\$0
124A	Rule 24.035 Appeal	1		\$500	\$500
124M	Rule 24.035 Motion	8	1	\$500	\$4,500
129A	Rule 29.15 Appeal	6		\$3,750	\$22,500
129M	Rule 29.15 Motion	22	6	\$500	\$14,000
	Totals	6,537	1,337		\$6,154,750
	Fiscal Year 2016 Contract Budget				<u>-\$2,278,012</u>
	Additional Appropriation Required to Contract Out All Conflicts				\$3,876,738
ALL TRIAL & APPELLATE CONFLICTS TO PRIVATE COUNSEL					

The FY16 Supplemental Request is for \$1,000,000 or approximately ¼ of the cost to continue FY2017 Legislative Budget Request.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Decision Item	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Budget Object Class	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Representation Supplemental Request - 2151001								
PROFESSIONAL SERVICES	1,000,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	1,000,000	0.00	0	0.00	0	0.00	0	0.00
GRAND TOTAL	\$1,000,000	0.00	\$0	0.00	\$0	0.00	\$0	0.00
GENERAL REVENUE	\$1,000,000	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

